

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADOBE SYSTEMS INCORPORATED,
Plaintiff,
v.
SOFTWARE TECH, et al.,
Defendants.

Case No. 5:14-cv-02140-RMW

**ORDER GRANTING MOTION TO
STRIKE DEFENDANTS LA BOUTIQUE
DU SOFTWARETECH INC.'S AND
FUTUR-SOFT SOLUTIONS CORP.'S
ANSWERS AND ENTER DEFAULT**

Re: Dkt. No. 89

On September 16, 2015, plaintiff Adobe Systems Inc. filed a motion to strike the answers of defendants La Boutique Du Softwaretech, Inc., doing business as Software Tech and Software Tech Store, and defendant Futur-Soft Solutions Corporation (collectively “corporate defendants”). Dkt. No. 89. Adobe further requests that default be entered against the corporate defendants because the corporate defendants are no longer represented by counsel. *Id.* Defendants did not file an opposition to Adobe’s motion. The court has considered Adobe’s motion as well as the pleadings and all papers on file in this matter. For the reasons stated below, the court hereby GRANTS Adobe’s motion.

I. ANALYSIS

A corporation may appear in federal court only through licensed counsel. To this effect,

corporations and other business entities cannot represent themselves, or be represented by a pro se non-attorney, in federal court. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993). A court may enter default against a corporation that fails to retain counsel. *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244 (9th Cir. 1993) (affirming default judgment against corporation that failed to retain counsel despite court order).

In this case, at the time the corporate defendants filed their answers to Adobe's First Amended Complaint, Dkt. No. 54, all of the defendants were represented by Andrew D. Winghart, Esq. *See* Dkt. Nos. 56, 57. On May 14, 2015, Allan Gabriel, Esq., also entered an appearance on behalf of the defendants. Dkt. No. 63. Jonathan Giroux, Esq., applied for admission pro hac vice as an attorney for defendants on June 3, 2015, Dkt. No. 67, and the court granted this application on July 2, 2015, Dkt. No. 74.

On July 31, 2015, defendants filed a Notice of Change in Counsel, withdrawing Jonathan Giroux, Esq., as counsel of record for defendants. Dkt. No. 80. Defendants filed a subsequent Notice of Change in Counsel, withdrawing Allan Gabriel, Esq., as counsel of record, on August 12, 2015. Dkt. No. 83.

Defendants' sole remaining counsel, Andrew D. Winghart, Esq., then filed a Request for Approval of Withdrawal of Counsel Under Local Rule 11-5 on August 21, 2015. Dkt. No. 85. The court conditionally granted the withdrawal of Mr. Winghart subject to his filing of a declaration no later than September 4, 2015, (1) identifying the last known addresses of all defendants; (2) certifying that he had advised the corporate defendants' principal (and co-defendant) Pierre Francis that corporations are prohibited from representing themselves in federal court; and (3) certifying that he had informed all defendants of the evidentiary hearing on sanctions in this matter scheduled for September 18, 2015. Dkt. No. 87. On September 2, 2015, Mr. Winghart filed the requested declaration and was consequently withdrawn as counsel of record. Dkt. No. 88.

To date, no new counsel has entered an appearance on behalf of the corporate defendants or defendant Pierre Francis. Accordingly, the court finds that default should be entered against the

corporate defendants.

II. ORDER

For the reasons stated above, it is hereby ordered that:

The Answer of Defendant La Boutique du Softwaretech Inc. filed as Docket Number 56 is hereby stricken from the record.

Defendant Futur-Soft Solutions Corporation shall be stricken from the joint Answer filed with Defendant Pierre Francis as Docket Number 57.

Default is hereby entered against Defendants La Boutique du Softwaretech Inc. and Futur-Soft Solutions Corporation.

IT IS SO ORDERED.

Dated: November 10, 2015



Ronald M. Whyte
United States District Judge

United States District Court
Northern District of California